

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA, INC.,  
Petitioners,

v.

DARELTECH, LLC,  
Patent Owner.

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IPR2019-01575  
Patent 9,075,612 B2

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Before BRIAN J. McNAMARA, KEVIN C. TROCK, and  
STACY B. MARGOLIES, *Administrative Patent Judges*.

MARGOLIES, *Administrative Patent Judge*.

TERMINATION  
Due to Settlement After Institution of Trial  
*35 U.S.C. § 317; 37 C.F.R. § 42.74*

Pursuant to our authorization, on September 21, 2020, the parties filed a Joint Motion to Terminate the above-captioned proceeding. Paper 12. Along with the motion, the parties filed a settlement agreement (Exhibit 2001). The parties also filed a Joint Motion to File Agreement as Business Confidential Information (Paper 11), in which the parties request that the settlement agreement be treated as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and that the agreement be kept separate from the public files of the challenged patent.

The parties state that they have settled their dispute regarding the challenged patent, that the settlement agreement has been made in writing, that a true and correct copy of the agreement is filed as Exhibit 2001, and that there are no other agreements, oral or written, between the parties made in connection with the termination of this proceeding. Paper 12, 2, 3. The parties further state that the agreement contemplates requesting termination of this proceeding and dismissing the related district proceeding regarding the challenged patent. *Id.* at 2. The parties further state that a joint stipulation of dismissal was submitted in the related district court proceeding. *Id.* (citing *Dareltech, LLC v. Samsung Elecs. Co*, Case No. 4:18-cv-00702 (E.D. Tex), Dkt. 73).

We instituted trial on March 16, 2020. Paper 6. This proceeding is in its early stages and we have not yet decided the merits. Under the circumstances, we determine it is appropriate to terminate this proceeding. *See* 35 U.S.C. § 317(a). We further determine that, because the settlement agreement contains confidential business information regarding the terms of settlement, it is appropriate to treat the agreement as business confidential information.

It is

ORDERED that the Joint Motion to Terminate this proceeding is GRANTED and the proceeding is hereby terminated; and

FURTHER ORDERED that the Joint Motion to File Agreement as Business Confidential Information is GRANTED, and the settlement agreement (Exhibit 2001) shall be kept separate from the file of U.S. Patent No. 9,075,612 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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FOR PETITIONER:

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